

REMARKS

Claims presented for prosecution in this Application are claims 20-21. Claim 20 has been rejected over prior art. Claim 21 has been objected to as being dependent upon a rejected base claim; thus, it has been rewritten into independent form. In view of Applicants' remarks below, Applicants respectfully submit that claims 20-21 are in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

Drawings

With respect to the Examiner's remarks about the specification in the present Office Action, Applicants have amended Figures 2-4 to correctly point out the location of break point 114. Applicants respectfully believe that the amendment does not constitute new matter since the drawings as originally filed showed break point 114 correctly. Applicants will submit formal drawings of Figures 2-4 upon approval of the amendment by the Examiner.

Specification

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter, specifically the subject matter in claim 12. Claim 12 was previously cancelled, which renders the objection moot. In addition, Figures 2-4 have been amended to correctly show the position of break point 114 (as referenced in the drawing Figures as originally filed), which addresses the inconsistency noted by the Examiner. In light of the cancelled claim 12 and the amended drawings, Applicants respectfully request that the outstanding objection now be withdrawn.

The 35 USC 102(b) Rejection of Claim 20 over James

The Examiner has rejected claim 20 as being anticipated by James. In response, Applicants respectfully assert that James does not disclose each and every aspect of independent claim 20.

Independent claim 20 explicitly recites:

“A method for forming a seam for ductwork having a male end portion integrally formed at a distal end of a duct wall, said method comprising the steps of...integrally forming said female end portion includes bending a first fold beginning at a break point of said duct wall to extend at a hemmed angle *towards an interior of said ductwork...*” (emphasis added).

Claim 20 explicitly recites that the female end portion has “a first fold beginning at a break point” that extends “at a hemmed angle towards an interior of said ductwork.” In stark contrast, Fig. 12 of James shows a fold A1 (as depicted in Examiner’s marked-up attachment) extending at an angle away from the interior of the tube.

Claim 20 also recites:

“a fourth fold back against said third fold to define a female groove for accommodating said male end portion therein.”

Claim 1 explicitly recites that the fourth fold and the third fold define a female groove for accommodating the male end portion therein. In stark contrast, Fig. 12 of James shows a second fold A2 (as depicted in Examiner’s marked-up attachment) and a fourth fold A4 that engages the opposite end of the tube.

As James does not disclose or suggest each and every aspect of independent claim 20, Applicants respectfully request withdrawal of the outstanding 35 USC 102(b) rejection of claim 20 on this basis alone. In addition, claim 20 would not be rendered obvious in view of James due to the distinct differences noted above.

Applicants earnestly believe that independent claim 20 clearly defines over James; however, should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues without the necessity of another Office Action.

Allowable Subject Matter

The Examiner has objected to claim 21 as being dependent upon a rejected base claim but stated it would be allowable if rewritten in independent form including all of the limitations of the base claim. Claim 21 has been so amended and is now believed to be allowable.

CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 20-21 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, an Examiner's Amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any fees are owed.

Respectfully submitted,

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